IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.9435-M of 2007
Date of Decision:- 15.02.2007

Bhajan Singh ....Petitioner(s)

through
Mr.Gurinderjit Singh, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr. DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

Notice of motion.

Mr.Tarun Aggarwal, learned Sr.DAG, Haryana accepts notice.

Challenge in this petition is to the order dated 21.11.2006 passed by the Director General of Prisons, Haryana, whereby the petitioner has been denied parole for agricultural operations on the ground that there is no land in his name.

To counter the aforesaid reason, the petitioner relies upon the *Jamabandi* dated 12.6.2006 (Annexure P-2) which depicts that the petitioner's father is owner in possession of the agricultural land. It is also claimed that the land owned by the petitioner's father is an undivided agricultural land which used to be cultivated by the petitioner before his conviction.

Under Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, a prisoner is required to be in cultivating possession of the agricultural land, either owned by himself or is his father's undivided agricultural land. It is quite possible that prior to his conviction,

he was also in cultivating possession of the undivided agricultural land owned by his father. Unfortunately, the aforesaid aspect of the matter has not been considered by the concerned Authorities.

Consequently, this petition is disposed of with a direction to the Director General of Prisons, Haryana, to reconsider the petitioner's case after getting it re-verified as to whether or not immediately prior to his conviction, the petitioner was in cultivating possession of the undivided agricultural land owned by his father. Necessary exercise shall be carried out within two months from the date a certified copy of this order is received.

February 15, 2007 **(SURYA KANT)**
poonam **JUDGE**